

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02600

JESSICA JONES, et al.,

Plaintiffs,

v.

BAIN CAPITAL PRIVATE EQUITY, et al.

Defendants.

Civ. Action No. 2:20-cv-02892

**RESPONSE TO PLAINTIFFS' JOINT MOTION REQUESTING HEARING ON
DEFENDANTS' MOTION TO QUASH OR MODIFY SUBPOENA DIRECTED TO
MARLENE COTA AND FOR PROTECTIVE ORDER**

Come now Defendants Varsity Spirit, LLC, Varsity Brands, LLC, Varsity Brands Holding Co., Inc., Varsity Spirit Fashions & Supplies, LLC, Bain Capital, LP, and Charlesbank Capital Partners, LLC (collectively, "Defendants"), by and through counsel, and hereby file this response to Plaintiffs' Joint Motion Requesting Hearing on Defendants' Motion to Quash or Modify Subpoena Directed to Marlene Cota and for Protective Order. *Fusion Elite*, No. 20-cv-02600-SHL-tmp, ECF No. 191.

Pursuant to the Local Rules, Plaintiffs' time to request a hearing has passed. *See* Local Rule 7.2(d). Defendants also believe that a hearing is unnecessary because the matter is not

particularly complex and can be resolved on the briefs. Defendants therefore oppose the motion. But if the court would like the parties to appear for argument, Defendants are happy and ready to do so.

Dated: January 25, 2022

Respectfully submitted,

s/ Matthew S. Mulqueen

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